



1645

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Hilda E. Smith

Serial No.: 09/767,041

Filed: January 22, 2001

For: STREPTOCOCCUS SUIS VACCINES  
AND DIAGNOSTIC TESTS

Confirmation No.: 3344

Examiner: P. Duffy

Group Art Unit: 1645

Attorney Docket No.: 2183-4726US

CERTIFICATE OF MAILING

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail on the date of deposit shown below with sufficient postage and in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

October 17, 2003  
Date

*Betty Vowles*  
Signature

Betty Vowles  
Name (Type/Print)

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In compliance with the duty to disclose information material to patentability pursuant to 37 C.F.R. § 1.56, it is respectfully requested that this Supplemental Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 or PTO/SB/08 be considered by the Examiner and made of record. Copies of the listed documents are enclosed pursuant to 37 C.F.R. § 1.98(a).

In accordance with 37 C.F.R. § 1.97(g) and (h), filing of this Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made or an admission that the information cited herein is, or is considered to be, material to patentability as

defined in 37 C.F.R. § 1.56(b). Further, no representation is made by Applicant herein that no other possible material information as defined in 37 C.F.R. § 1.56(b) exists.

Foreign Patent Documents

<u>Document No.</u>	<u>Publication Date</u>	<u>Patentee</u>
WO 02/061070 A2	08-08-2002	IL-Lelystad, Instituut Voor Dierhouderijen Diergezondheid B.V.

Other Documents

DATABASE EMBL 'Online' McNab, S. gordonii partial aldB gene, cshA gene & fbpA gene, Database accession No. X65164, XP002213089.

DE GREEFF et al., Contribution of Fibronectin-Binding Protein to Pathogenesis of Streptococcus suis Serotype 2, Infection and Immunity, Mar. 2002, pp. 1319-25, Vol. 70, No. 3.

DE GREEFF et al., Distribution of Environmentally Regulated Genes of Streptococcus suis Serotype 2 among S. suis Serotypes and Other Organisms, Journal of Clinical Microbiology, Sept. 2002, pp. 3261-68, Vol. 40, No. 9.

KAWABATA et al., Molecular cloning, sequence and characterization of a novel streptococcal phosphoglycerate dehydrogenase gene, Oral Microbiology and Immunology, 2000, pp. 58-62, Vol. 15.

KOSKINIEMI et al., Identification of two genes, cpsX and cpxY, with putative regulatory function on capsule expression in group B streptococci, FEMS Immunology and Medical Microbiology, 1998, pp. 159-68, Vol. 21.

McNAB, Cloning and sequence analysis of thymidine kinase from the oral bacterium Streptococcus gordonii, FEMS Microbiology Letters, 1996, pp. 103-110, Vol. 135.

MUNOZ et al., Characterization of IS1515, a Functional Insertion Sequence in Streptococcus pneumoniae, Journal of Bacteriology, Mar. 1998, pp. 1381-88, Vol. 180, No. 6.

SEGERS et al., Characterisation of the gene encoding suislysin from Streptococcus suis and expression in field strains, FEMS Microbiology Letters, 1998, pp. 255-61, Vol. 167.

SMITH et al., Environmentally regulated genes of Streptococcus suis: identification by

the use of iron-restricted conditions in vitro and by experimental infections of piglets, Microbiology, 2001, pp. 271-80, Vol. 147.

SMITH et al., Mutants of *Streptococcus suis* Types 1 and 2 Impaired in Expression of Muramidase-Released Protein and Extracellular Protein Induce Disease in Newborn Germfree Pigs, Infection and Immunity, Oct. 1996, pp. 4409-12, Vol. 64, No. 10.

In compliance with the duty to disclose information material to patentability pursuant to 37 C.F.R. § 1.56, Applicant hereby identifies the following listed copending application naming the same inventor:

Attorney Docket No.: 2183-6055US  
Serial No.: 10/632,117  
Filing Date: 7/31/2003  
Title: ENVIRONMENTALLY REGULATED GENES OF STREPTOCOCCUS SUIS

This Supplemental Information Disclosure Statement is believed to be filed before the mailing date of a first Office Action on the merits; therefore, no fee is due.

Respectfully submitted,



Allen C. Turner  
Registration No. 33,041  
Attorney for Applicant(s)  
TRASKBRITT, P.C.  
P.O. Box 2550  
Salt Lake City, Utah 84110-2550  
Telephone: 801-532-1922

Date: October 17, 2003

ACT/bv

Enclosures: Form PTO-1449 or PTO/SB/08  
Cited Documents

Document in ProLaw



Substitute for Form 1A/PTO

## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

of 12

51

12

*Complete if Known*

Application Number	09/767,041
Filing Date	January 22, 2001
First Named Inventor	Hilda E. Smith
Group Art Unit	1645
Examiner Name	P. Duffy
Attorney Docket Number	2183-4726US

## U.S. PATENT DOCUMENTS

## FOREIGN PATENT DOCUMENTS

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Substitute for form 1449A/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

2

of

2

### Complete if Known

Application Number	09/767,041
Filing Date	January 22, 2001
First Named Inventor	Hilda E. Smith
Group Art Unit	1645
Examiner Name	P. Duffy
Attorney Docket Number	2183-4726US

### OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		DATABASE EMBL 'Online' McNab, S. gordonii partial aldB gene, cshA gene & fbpA gene, Database accession No. X65164, XP002213089.	
		DE GREEFF et al., Contribution of Fibronectin-Binding Protein to Pathogenesis of Streptococcus suis Serotype 2, Infection and Immunity, Mar. 2002, pp. 1319-25, Vol. 70, No. 3.	
		DE GREEFF et al., Distribution of Environmentally Regulated Genes of Streptococcus suis Serotype 2 among S. suis Serotypes and Other Organisms, Journal of Clinical Microbiology, Sept. 2002, pp. 3261-68, Vol. 40, No. 9.	
		KAWABATA et al., Molecular cloning, sequence and characterization of a novel streptococcal phosphoglycerate dehydrogenase gene, Oral Microbiology and Immunology, 2000, pp. 58-62, Vol. 15.	
		KOSKINIEMI et al., Identification of two genes, cpsX and cpxY, with putative regulatory function on capsule expression in group B streptococci, FEMS Immunology and Medical Microbiology, 1998, pp. 159-68, Vol. 21.	
		McNAB, Cloning and sequence analysis of thymidine kinase from the oral bacterium Streptococcus gordonii, FEMS Microbiology Letters, 1996, pp. 103-110, Vol. 135.	
		MUNOZ et al., Characterization of IS1515, a Functional Insertion Sequence in Streptococcus pneumoniae, Journal of Bacteriology, Mar. 1998, pp. 1381-88, Vol. 180, No. 6.	
		SEGERS et al., Characterisation of the gene encoding suislysin from Streptococcus suis and expression in field strains, FEMS Microbiology Letters, 1998, pp. 255-61, Vol. 167.	
		SMITH et al., Environmentally regulated genes of Streptococcus suis: identification by the use of iron-restricted conditions in vitro and by experimental infections of piglets, Microbiology, 2001, pp. 271-80, Vol. 147.	
		SMITH et al., Mutants of Streptococcus suis Types 1 and 2 Impaired in Expression of Muramidase-Released Protein and Extracellular Protein Induce Disease in Newborn Germfree Pigs, Infection and Immunity, Oct. 1996, pp. 4409-12, Vol. 64, No. 10.	

Examiner Signature	Date Considered
--------------------	-----------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.